

Subject: Re: FETC PRDAs

Date: Wed, 9 Jun 1999 11:25:00 -0400

From: ANDREW.GEARY@hq.doe.gov

To: <RMInada@lbl.gov>, <john.labarge@oer.doe.gov>, <marianne.abbott@oer.doe.gov>, <andrew.millunzi@dp.doe.gov>, <elizabeth.mclaughlin@dp.doe.gov>, <Jeff_Weiner@lbl.gov>

Rick,

Nice to hear from you. I want to point out that DOE does not have a formal policy in place which permits/prohibits laboratory responses to DOE solicitations such as BAAs or BAA-like solicitations. When the current WFO policy of allowing responses to non-DOE solicitations was being formulated the issue of DOE laboratories responding to a DOE solicitation was raised. During our meetings, Mr Hopf indicated that believed that our policy for the DOE solicitations should follow the same prohibitions/allowances that we had developed for non-DOE solicitations under the WFO program. Based on this, as well as the fact that the awardee will be a non-DOE entity, respondents have been encouraged in the solicitation to use DOE laboratories in their proposals, and subsequent contracting with the non-DOE entity will require a WFO agreement I am providing you with the following guidance. It is important to note that a "blanket approval" was not given for responding to any solicitation BAA or otherwise based on the concerns that a RFP type solicitation be inadvertently issued as a BAA or BAA- type mechanism e.g., PRDA and obviously place us in direct head to head competition with other respondents. This is why we require a thorough review and determination that the solicitation, in this case a PRDA, is a BAA-like instrument not a RFP type solicitation.

At the present time you may respond either as a teamed partner or subcontractor to the PRDA that has been issued by FETC under the following conditions. Your office has determined that the PRDA has been determined to be a BAA-like instrument and meets the criteria delineated in Mr Hopfs memos dated July 30, 1997, "Work for Others--Teaming with Industry" and the October 6, 1997, "Clarification of the Department of Energy's policy on Teaming with Industry through the Work for Others Program." The policy language contained in those memos has been included in the latest draft of DOE Order 481.1, Work for Others, which will be issued pending resolution of a few issues being addressed by the Technology Transfer Working Group chaired by the Under Secretary.

I hope this has helped and provided what is needed to determine appropriate action. Call me if you have further questions.

Scott (202) 586-3299

From: RMInada@lbl.gov_at_INTERNET AT X400PO on 06/08/99 12:26 PM

To: Andrew Geary/HR5/DOE

cc: Jeff_Weiner@lbl.gov_at_INTERNET AT X400PO@hr5_ccmail, RMInada@lbl.gov_at_INTERNET AT X400PO@hr5_ccmail

Subject: FETC PRDAs

Hi Scott:

We are in need of guidance: The Federal Energy Technology Center (FETC), out of Morgantown, has on their website, several Program Research and Development Announcements (PRDA) asking for proposals. Originally, the PRDA coverletter said that M&O Contractors could participate as subcontractors to a private company applicant but the actual solicitation language buried within the solicitation said that proposals including M&O contractor participation at any level would be considered ineligible. When we brought this inconsistency to the attention of FETC last week, they issued an amendment on June 4 that changed the solicitation language to allow M&O Contractor subcontract participation under certain criteria. The amendment makes the cover letter and solicitation language consistent in that it allows M&O Contractors to participate in the proposal process to the PRDA solicitation as subcontractors under the prime proposer.

Our question to our HQ WFO guru is FETC correct? Can we participate in the solicitation as formal subcontractors under a private company's proposal as FETC is requesting? Or we will be drawn and quartered and vilified before Congress if we follow their guidance and participate in the PRDA solicitation. The key may be is the PRDA a BAA and therefore ok or is it not. Please let us know asap since we may have a subcontract proposal in the works. Thanks
Rick Inada, LBNL